

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEROME BARROW,)	CASE NO. 1: 16 CV 923
)	
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	JUDGMENT
THE CITY OF CLEVELAND, <i>et al.</i>,)	
)	
Defendants.)	

The above-captioned case came before this Court for a trial by jury. At the conclusion of the trial, the Jury returned a unanimous Verdict for Plaintiff and against Defendant City of Cleveland on Plaintiff's Claim of Retaliation under Title VII.

Plaintiff Jerome Barrow brought this action against Defendants, the City of Cleveland, Patrick Stephens, Martin Flask and Michael McGrath for claims arising out of deprivation under color of state law for violation of rights secured by the First Amendment, and the Due Process and Equal Protection clauses of the Fourteenth Amendments to the Constitution of the United States, and 42 U.S.C. § 1981, 42 U.S.C. § 1983, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f) and Ohio Rev. Code §§ 4112.01, et seq. Among other things Plaintiff alleged that he was subjected to racial discrimination and that Defendants retaliated against him for filing a charge of discrimination regarding a promotional exam.

The trial commenced on January 29, 2018 at 8:30 a.m. A Jury of twelve was duly impaneled and sworn, and opening statements of counsel were made. Plaintiff called the following witness(es): (1) Jerome Barrow.

Plaintiff abandoned his claims of discrimination over the promotional exam; and claims pursuant to Sections 1981 and 1983. Trial proceeding as to claim of retaliation pursuant to Title

VII and O.R.C. 4112.01 et. seq. Court was adjourned until January 30, 2018 at 8:30. a.m.

The trial continued on January 30, 2018. . Plaintiff called the following witness(es): Jerome Barrow; (2) Det. Thelman Powell; (3) Det. Richard C. Adams; and (4) Det. Anthony Spencer. Plaintiff rests. Defendants' Fed. R. Civ. P. 50 motion is granted as to punitive damages; all claims against the individual Defendants Martin Flask, Michael McGrath and Patrick Stevens; and as to all claims of discrimination. The only remaining claim is a claim of retaliation pursuant to Title VII against the City of Cleveland. Defendants' Motion pursuant to Fed. R. Civ. P. 50 as to the City of Cleveland is held under advisement. Defendants called the following witness(es): (1) Martin Flask; and (2) Patrick Stephens. Court was then adjourned until January 31, 2018 at 8:30 a.m.

The trial continued on January 31, 2018. Juror #10 was excused due to illness. Defendant called the following witness(es): (3) Michael McGrath. Defendant rested. The Court reserved ruling on Defendants' Motion pursuant to Fed. R. Civ. P. 50. The Court instructed jury on the law. Closing arguments of counsel were made. The Court gave final instructions to the Jury and the Jury retired to deliberate. Court was then adjourned until February 1, 2018 at 8:30 a.m.

The trial continued on February 1, 2018. The Jury resumes deliberations. The Jury, in open court, returned the following unanimous Interrogatory Answers and Verdict pursuant to Rules 48 and 49 of the Federal Rules of Civil Procedure:

INTERROGATORY NO. 1

Do you find by a preponderance of the evidence that Plaintiff has proven that an employee of Defendant City of Cleveland with managerial authority was aware of Plaintiff's EEOC charge filed in April 2012 prior

to the alleged adverse action? Yes (Insert in ink, "yes" or "no").

INTERROGATORY NO. 2

Do you find by a preponderance of the evidence that Plaintiff has proved that a material adverse action was taken against Plaintiff by the City of Cleveland? Yes (Insert in ink, "yes" or "no").

INTERROGATORY NO. 3

Do you find by a preponderance of the evidence that Plaintiff has proved that the EEOC charge Plaintiff filed in April 2012 had a determinative effect on the City of Cleveland's decision to take the adverse action? Yes (Insert in ink, "yes" or "no").

VERDICT FOR PLAINTIFF AGAINST DEFENDANT

We the jury, being duly impaneled and sworn, find in this case in favor of the Plaintiff and against Defendant on Plaintiff's Retaliation claim and award damages as follows:

\$59,900 Compensatory Damages (insert in ink an amount between \$0 and whatever you determine the evidence requires)

 Nominal Damages (enter \$1.00 if you find Plaintiff did not prove an amount of compensatory damages)

The Court read the Verdict and Interrogatory Answers in open court, and thereafter, the Court polled the Jury. Each Juror affirmatively responded to the correctness of the Verdict and Interrogatory Answers. The Court accepted the Verdict and Interrogatory Answers. The Jury was then discharged.

THEREFORE, the Court enters Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure in favor of Plaintiff Jerome Barrow and against Defendant The City of Cleveland

in the amount of \$55,900. All costs, including all jury charges, are to be paid by Defendant City of Cleveland.

IT IS SO ORDERED.

DATE: February 5, 2018

Donald C. Nugent
DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE